



**CITY OF NEWPORT  
PLANNING COMMISSION WORKSHOP MEETING  
NEWPORT CITY HALL  
NOVEMBER 12, 2015 – 6:00 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Executive Analyst:	Renee Eisenbeisz
Commissioner:	Matt Prestegaard	Planner:	Sherri Buss
Commissioner:	Marvin Taylor	Council Liaison:	Tom Ingemann
Commissioner:	David Tweeten		

**AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION REGARDING PROPOSED AMENDMENTS TO SECTION 1380, SIGNS**
- 4. DISCUSSION REGARDING BUILDING MATERIALS**
- 5. DISCUSSION REGARDING PROPOSED ZONING AMENDMENTS**
- 6. ADJOURNMENT**



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## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Planning Commission Meeting November 12, 2015
<b>Copies To:</b>	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
		<b>Project No.:</b>	15743.000
<b>From:</b>	Sherri Buss, RLA AICP, City Planner	<b>Routing:</b>	
<b>Date:</b>	November 2, 2015		

The Planning Commission meeting on November 12 will continue the discussion on updating the city’s Sign Ordinance, Section 1380 of the Zoning Ordinance. We will review the changes made \ at the October meeting to the general sections and Section 1380.08 (residential districts) and some staff comments made since the October meeting, and then move on to Section 1380.09, Item 2 Business/Commercial/Industrial Districts. City staff have invited some representatives of local businesses to join us for the discussion.

Updates since the October meeting include:

- Removed the definition of Bulletin Sign since it is not referenced anywhere else in the ordinance. Bulletin signs are covered by other sign types, such as Portable Signs.
- Revised the definitions for Freestanding Signs and Monument Signs to clarify that Monument Signs are a type of Freestanding Signs.
- Revised the definition of Temporary Signs to include the statement that “Temporary signs are typically constructed of lightweight, non-permanent materials and structures.”
- Revisions throughout to change “permitted” to “allowed”
- Changes to permit section to allow Zoning Administrator to approve all sign permits
- Section 1380.06, added #2 that states that “A small address plate is not a sign.”
- Section 1380.06 #3 and Section 1380.09, #1a were changed to allow up to 3 small signs (less than 6 square feet in area) on any property without a permit. This would include real estate signs for single-family homes, home occupation, signs, or others regardless of content.
- Added 1380.06 #4 that states that “Signs erected by the City on City properties are exempt from permit requirements. This responds to a staff request so that the City can post signs for community events on City properties.
- Revised Section 1380.06 #7 to take out real estate signs for single-family homes, since they are covered under #3 in the same section.
- Revised Section 1380.08, Item E to prohibit all signs in the right-of-way, except traffic signs. Public works staff requested that the potential to allow temporary signs in the

ROW be taken out of the ordinance as staff recommend that all city signs for events can be accommodated on city property.

Discussion for Section 1380.90, #2 Business/Commercial/Industrial Districts

- Item a. permits up to 3 temporary signs that are up to 20 square feet in size in these districts without a permit. The number tries to strike a balance between allowing temporary signs for advertising sales or events, while keeping a good appearance in the districts. Are the number and size reasonable?
- Item b. Wall Signs has not been changed from the current ordinance.
- Item c. The text includes some descriptive language from the Maplewood ordinance for discussion. I think that that language about architectural compatibility is intended for monument signs, not all freestanding signs. Should the ordinance include requirements for the design of monument signs?
- I have included a table from the Maplewood ordinance in item c for discussion. The Maplewood Ordinance relates the size and height of freestanding signs allowed to the street classifications that abut the property where the signs are located. Should the City permit some larger free-standing signs and major roadways than the current ordinance does?
- The sections on Monument Signs, Pylon Signs, Flags, Illuminated Signs, Dynamic Display Signs, and Canopy Signs have not been changed from the current ordinance. Any needs for changes or concerns about these sections?
- Window signs: staff have had some questions about Window signs recently, and whether they require permits. I have included some language from the Maplewood and Cottage Grove ordinances that clarifies that permits are not needed, but permit smaller window signs than Newport's current ordinance. What should the standards be for window signs?
- Mixed Use Districts: the section proposes that residential buildings in mixed use districts need to meet the standards for signs in residential districts, and that signs for business or commercial buildings in mixed-use districts need to meet the requirements in those zoning districts. Any comments?
- Billboards section, Sign Maintenance, and Nonconforming Signs, and remaining sections have not changed from the current ordinance. Any need for changes?



## Section 1380 - Signs

**Section 1380, Signs:** ~~“The Code of Ordinances of the City of Newport, County of Washington, State of Minnesota,” shall be amended by amending Chapter 13, Zoning Ordinance of the City Code, for purposes of adding the following:~~

**1380.01 Purpose and ~~Intent~~ Definitions.****A. Findings.** The City Council hereby finds the following:

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety and welfare.
4. The City’s zoning regulations have historically included regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location, and character that would adversely impact upon the aesthetics of the community and threaten the health, safety, and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

**B. Purpose and Intent.** It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety, and welfare.
2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city’s goals of public safety and aesthetics.
4. Provide for fair and consistent enforcement of the sign regulations set forth under the zoning authority of the City.

**C. Effect.** A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this sign ordinance is to:

1. Allow a variety of sign types, sizes and locations by zoning district, subject to the standards set forth in this sign ordinance.
2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

- 3. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and where the communication can be accomplished by having less impact on the environment and the public health, safety, and welfare.
- 4. Provide for the enforcement of the provisions of this sign ordinance.

~~The purpose of this Ordinance is to protect and promote the general welfare, health, safety and order within the City of Newport through the standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as visual communicative media to persons situated within or upon public rights of way or properties.~~

~~The provisions of this Ordinance are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this Ordinance, while at the same time assuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.~~

**1380.02 Severability.**

If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**1380.03 Definitions.**

- A. **Abandoned sign:** Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.
- ~~A-B.~~ **Accessory Sign:** A sign relating in its subject matter to the ~~premises on which it is located, or to products, accommodations, services~~ use(s) or activities on the premises on which it is located.
- C. **Accessory Use:** A use which is subordinate to the principal use being made of a parcel of land. Accessory uses are defined in the Zoning Code.
- D. **Awning:** A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which also projects over a door shall be counted as an awning.
- ~~B-E.~~ **Awning Sign:** A building sign or graphic printed on or in some fashion attached directly to the awning material.

~~C. **Address Sign:** Postal identification numbers only, whether written or in numeric form.~~

~~D. **Area Identification Sign:** A free standing sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center or area, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above that could be termed an area.~~

~~E.F. **Banners and Pennants:** Attention-getting devices which resemble flags and are of a nonpermanent paper, cloth or plastic-like consistency.~~

~~E.G. **Bench Signs:** A sign which is affixed to a bench or shelter at a bus stop.~~

~~G.H. **Billboard:** A large ~~outdoor advertising off-site sign structure~~ mounted on one or more legs and designed to display posters or other composite graphics ~~advertisements where the advertised goods or services are not provided at the location of the sign.~~~~

~~H.I. **Building:** A freestanding structure or group of structures joined by a common wall.~~

J. **Building Sign:** A sign attached or supported by any structure used or intended for supporting any use or occupancy.

~~I. **Bulletin Sign:** An accessory sign which announces goods or services available through the use of changeable letters.~~

~~J. \_\_\_\_\_~~

~~K. **Church Directional Sign:** A sign which bears the address and/or name of a church and direction arrows pointing to a church location.~~

K. **Canopy and Marquee:** A roof like structure projecting over the entrance to a ~~theater, store, etc.~~building.

L. **Canopy Sign:** A sign that is part of or attached to a canopy.

M. **Changeable copy sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or arranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters, or illustrations change or rearrange only once in a 24-hour period or less often.

~~L.N. **District:** A specific zoning district as defined in the Zoning Ordinance.~~

M.O. **Dynamic Display Sign:** “Dynamic display” shall mean any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.

- P. **Flag:** Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
- ~~N-Q. **Free-Standing Sign:** A sign which is placed in the ground and not affixed to any part of any structure that is attached to, erected on, or supported by an architecturally-planned structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure. This definition includes pylon signs and monument signs.~~
- R. **Height of Sign:** The vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.
- ~~Q-S. **Illuminated Sign:** Any sign which is illuminated by an artificial light source, which shall include all electronic signs utilizing internal light sources and any sign that makes use of electric lighting to reflect off of an otherwise opaque message surface.~~
- ~~P. **Institutional Sign:** Any sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.~~
- T. **Interior Sign:** A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court of entrance of any theater.
- U. **Legally established nonconforming sign:** A sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.
- V. **Monument or Ground Sign:** A freestanding sign not supported by exposed posts or poles located directly at the grade where the width dimension of the architecturally-designed base is 50 percent or more of the greatest width of the sign face.
- W. **Multiple Tenant Site:** A site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.
- ~~Q. **Nameplate or Identification Sign:** A sign which bears the name and/or address of the occupants of the building.~~
- ~~X. **Non-Accessory Sign:** A sign other than an accessory sign. A sign that is not related in its subject matter to the use(s) or activities at the premises on which it is located.~~
- Y. **Off-premises Sign:** A sign that directs attention to a use or activity that is not located upon the premises where the sign is located or to which it is attached.
- ~~R-Z. **Permanent Sign:** Any sign which is not a temporary sign.~~
- ~~S. —~~
- ~~T. **Nonconforming Sign:** A sign which does not conform to the newly enacted requirements of this Ordinance.~~

~~U-AA.~~ **Portable Sign:** A sign which is not permanently attached to the ground or any structure and so designed as to be movable from one location to another, including by trailer or on its own wheels.

~~V-BB.~~ **Principal Building:** A freestanding structure and/or multi-tenant building sharing common walls.

~~W-CC.~~ **Projecting Sign:** Any sign, all or any part of which extends over public property more than twelve (12) inches.

~~Permanent Sign: Any sign which is not a temporary sign.~~

~~X-DD.~~ **Pylon Sign:** A freestanding ~~area identification~~ sign erected on a single pole structure that greater than twenty (20) feet in height, usually intended for freeway advertising located on a state or interstate highway.

~~Y-EE.~~ **Roof Sign:** Any sign erected upon or projecting above the roofline of a structure to which it is affixed.

~~Z-FF.~~ **Sign:** Any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication whether painted, posted, printed, affixed or constructed, which is displayed outdoors or on a window or on the interior of a building within three (3) feet of a window and clearly visible from the outside of said building for informational or communicative purposes.

~~AA-GG.~~ **Sign Area:** That area within the marginal lines of the surface which bears the advertisement, or in the case of messages, figures or symbols attached directly to any part of the building, that area which is included in the smallest rectangle which can be made to circumscribe the message, figure or symbol displayed thereon. The stipulated maximum sign area for a freestanding sign refers to a single facing.

~~HH.~~ **Street Frontage:** The edge of a street along a parcel. An interior lot has one (1) street frontage and a corner lot two (2) such frontages.

~~BB-II.~~ **Sign Structure:** A structure including the supports, uprights, bracing and framework which support or are capable of supporting a sign.

~~CC-JJ.~~ **Temporary Sign:** A sign which is erected or displayed for a limited period of time. Temporary signs are typically constructed of lightweight, non-permanent materials and structures.

~~DD-KK.~~ **Traffic Directional Sign:** A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.

~~EE.~~ **Internal Traffic Directional Sign:** ~~A sign which is erected on private property by the owner of such property for the purpose of guiding vehicular and pedestrian traffic within his property. Such sign bears no advertising information.~~

~~LL.~~ **Wall Sign:** ~~Any sign which is affixed to a wall of any building.~~ A sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of a building or structure, which is supported by such wall or building.

and which displays one (1) sign surface.

~~FF-MM.~~ Window Sign: A building sign, pictures, symbol, or combination thereof that is placed inside a window, or upon the window glass, and is visible from the exterior of the window.

#### **1380.034 Administration and Enforcement.**

A. Permits. Except as provided in Section 1380.06 below, the owner or occupant of the premises on which a sign is to be displayed, or the owner or installer of such signs, shall file an application provided by the City Zoning Administrator for permission to display such sign. Sign Permits, Conditional Use Permits, or Interim Use Permits must be acquired for all existing, new, relocated, modified or redesigned signs as specified in this section, except those specifically exempted below. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

The applicant shall submit the following information with the application:

1. Names and addresses of the owners of the proposed sign and property where it is proposed to be placed.
2. The legal description of the property where the sign will be placed.
3. A complete set of plans showing the location, setbacks, elevation(s), size materials, and details of the sign to fully and clearly represent the construction and placement of the sign, and cost of the sign.
4. The type of sign (i.e. wall sign, monument sign, etc.).
5. If the sign is proposed to be located along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained all required permits from the state for the sign.

~~B. a complete description of the sign and a sketch showing its size, location, manner of construction and such other information as shall be necessary to inform the City Zoning Administrator of the kind, size, material, construction and location of the sign. The City Zoning Administrator may approve Sign Permits upon completion of an inspection of the said sign by the City Building Inspector. The review period shall be consistent with Minnesota Statutes 15.99 or successor statutes. If the permit is denied, the Zoning Administrator shall prepare a written notice describing the reason for denial and the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant.~~

~~The applicant shall also submit the fee at the time of application.~~

C. If a sign authorized by a permit has not been installed within ~~three (3) months~~ one hundred and eighty (180) days after the date of issuance of ~~said permit~~ a building permit, the permit shall become null and void.

#### **1380.05 Appeals.**

A. A permit applicant or permit holder may appeal any order or determination made by the City Zoning Administrator or his deputies pursuant to this Ordinance by filing a notice of appeal with the City Administrator requesting a hearing before the Planning Commission. The Planning

Commission will hear:

1. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the administrative officer in the enforcement of this Ordinance.

2. Requests for variances from the literal provisions of this Ordinance.

B. Upon completion of said public hearing, the Planning Commission will forward to the Newport City Council a recommendation on said appeal for final approval/disapproval.

~~All signs shall be constructed in accordance with the current Minnesota State Building Code and National Electric Code. To the extent that any conflict exists between those provisions and the provision of the City Code, to the extent the City Code provisions are more restrictive, they shall apply.~~

~~All signs utilizing electricity shall be subject to the State's current Electrical Code and electrical wiring shall be buried or concealed.~~

~~All sign structures shall be designed and constructed to withstand a wind pressure of not less than eighty (80) M.P.H., or as determined by the current Minnesota State Building Code.~~

Exemptions.1380.06 Exemptions

A. The exemptions ~~permitted~~allowed by this section shall apply only to the requirement of a permit and shall not be construed as excusing the installer of the sign, or the owner of the property upon which the sign is located, from complying with the other provisions of this Ordinance. No permit is required under this section for the following signs:

~~1. Signs erected by a governmental unit or public school district.~~

~~2. Memorial signs or tablets containing the name of the building, its use and date of erection when cut or built into the walls of the building and constructed of bronze, brass, stone or marble.~~

1. Signs which are completely within a building, are not on or within three (3) feet of a window and are not visible from the outside of said building.

~~3.2. A small address plate is not a sign.~~

~~4. Up to three (3) A nameplate sign not exceeding two (2) square feet in area, and containing only the name of the resident, or title of person practicing a profession, in a Residential District.~~

~~5. Real estate signs pertaining to the lease or sale of real estate containing six (6) or less square feet.~~

~~6. Construction signs advertising the development or improvement of a property by builder, owner, contractor or other persons furnishing service, materials or labor, provided such sign is removed when the work is completed or upon issuance of a certificate of occupancy or completion, whichever occurs first.~~

3. Garage sale Signs-signs that are six (6) square feet in area or less on a property are exempt from the requirement of a permit.
4. Signs erected by the City on City properties are exempt from permit requirements.
5. Temporary Signs that are erected for up to fourteen (14) days, and are less than twenty (20) square feet in size each. A maximum of three (3) such temporary signs may be placed on a parcel without a permit. A larger number of Temporary Signs of any size on a parcel or any Temporary Sign that exceeds twenty (20) square feet in size requires a Sign Permit.
6. Non-commercial signs that comply with Minnesota Statutes 211B.045 or successor statutes.
7. Signs may be placed on parcels that are currently offered for sale provided such signs are not closer than 10 feet to any property line and shall not exceed thirty-six (36) square feet in area for multifamily residential, commercial, industrial or mixed uses. One sign shall be permitted for each street frontage.
8. Signs may be erected on parcels that are currently under construction for single-family or multiple-family residences. The plat of the development shall be recorded with the Washington County Recorder prior to the erection of a sign. Such signs are subject to the following standards:
  - a. Such signs shall not exceed one hundred (100) square feet in area.
  - b. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.
  - c. Such signs shall be removed when the project is eighty percent (80%) completed, sold or leased.
  - d. Such signs shall be located on the property which is for sale.
  - e. Signs for nonresidential property, multiple-family developments of four (4) or more dwelling units and single-family developments of four (4) or more dwelling units shall be located no closer than one hundred (100) feet to any residence not part of the project.
9. Back-lighted signs are allowed on the ends of bus shelters, and signs are allowed on benches at bus stops.

#### **1380.087** Violations and Fines.

- A. If the City Zoning Administrator or his deputies finds that any sign regulated by this Ordinance is prohibited as to size, location, ~~content~~, type, number, height, or method of construction, or is unsafe, insecure or a menace to the public, or if any sign has been constructed or erected without a permit first being granted to the installer of said sign or to the owner of the property upon which said sign has been erected if a permit is required for the sign, or if the owner fails to properly maintain said sign in a safe, orderly condition at all times, including the replacement of defective parts, or is in violation of any other provisions of this Ordinance, the City Zoning Administrator shall give written notice of such violation to the owner or permittee thereof. If the owner or

permittee fails to comply with the provision set forth in this Ordinance within ten (10) calendar days following receipt of said notice:

- 1. **Nuisance.** Such sign shall be deemed to be a nuisance and may be abated by the City by proceedings taken under Minnesota Statutes, Chapter 429, and the cost of abatement, including administration expenses, may be levied as a special assessment against the property upon which the sign is located.
  - 2. **Penalty.** Failure to comply with the provisions of this ordinance shall be a misdemeanor.
- B. Any property owner that leases building space or land on and/or within their property has a responsibility to assist, as is applicable, in the enforcement of this section with their tenants.

1380.08 General Provisions Applicable to All Districts.

~~A. All permanent signs shall be constructed in accordance with the current Minnesota State Building Code and National Electric Code. To the extent that any conflict exists between those provisions and the provision of the City Code, to the extent the City Code provisions are more restrictive, they shall apply. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, provided that nothing in this Code shall be interpreted as authorizing the erection or construction of any sign not now permissible under the Zoning or Building Codes of the City.~~

~~A.~~

~~B. All permanent signs utilizing electricity shall be subject to the State's current Electrical Code and electrical wiring shall be buried or concealed.~~

~~C. All permanent sign structures shall be designed and constructed to withstand a wind pressure of not less than eighty (80) M.P.H., or as determined by the current Minnesota State Building Code.~~

General Provisions Applicable to All Districts.

D. Freestanding and Monument Signs

~~1. Permanent Non-accessory freestanding and wall signs are prohibited in all districts, except in areas specially designated in this Ordinance.~~

~~1.~~

~~2. The base or support structure for freestanding signs shall complement the design of the building and incorporate forty percent (40%) of brick, stone, decorative block, or similar substantial materials as approved by the Zoning Administrator.~~

~~3.2. Freestanding signs along major thoroughfares (I494 and T.H. 61) shall be subject to a review by the Zoning Administrator. The focus of the review is to assure the quality of the sign with regard to design and materials - Section 1380.03, B. Furthermore, the Zoning Administrator will consider the signs' relationship to any architectural theme of existing or proposed structures in the area.~~

~~3. Freestanding signs shall be constructed with the base consisting of materials matching the building with said base at least seventy five percent (75%) of the width of the sign from the ground to the bottom of the sign. Any free-standing sign within twenty-five (25) feet of any intersection of street right-of-way lines and/or driveway entrances shall have vertical~~

clearance for proper visibility by motorists on all affected roadways.

~~B. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, provided that nothing in this Code shall be interpreted as authorizing the erection or construction of any sign not now permissible under the Zoning or Building Codes of the City.~~

~~C.E. No sign, other than public traffic controls, direction or street name signs, or campaign yard signs, shall be erected or temporarily within any street right-of-way or upon any public easements. Campaign yard signs may be located in a commercial, industrial or residential lot not less than five (5) feet from the curb, lot line or edge of street, and shall meet the requirements identified in Subsection I, below.~~

~~D.F. A permit for a sign to be located within fifty (50) feet of any street or highway regulatory or warning sign, or of any traffic sign or signal, or of any crossroad or crosswalk, will be issued only if:~~

- ~~1. The sign will not interfere with the ability of drivers and pedestrians to see any street or highway sign, or any traffic sign or signal, or any crossroad or crosswalk, and~~
- ~~2. The sign will not distract drivers nor offer any confusion to any street or highway sign, or any traffic sign or signal. The burden of establishing whether a particular sign configuration will not disturb or confuse drivers will be on the applicant seeking to construct the sign.~~

~~E. Any free standing sign within twenty five (25) feet of any intersection of street right of way lines and/or driveway entrances shall have vertical clearance for proper visibility by motorists on all affected roadways.~~

~~G. Roof signs shall be prohibited in all districts.~~

~~F.H. Signs attached or supported on a permanently parked vehicle or semi-trailers intended to advertise a business, product or service are prohibited in all districts. This does not include signs painted directly on a vehicle or semi-trailer used in the business or facility, or on site for business purposes.~~

~~I. Except as otherwise provided for in this Section, no sign may be placed on any property if the sign does not advertise a product or service located or available on that property. Off-premises signs, except permitted Temporary Signs and permitted Pylon signs and Billboards in business, commercial, and industrial districts, are prohibited in all districts.~~

~~G.J. No sign shall contain any obscene matter as described by Minnesota Statutes Section 617.241 or successor statutes.~~

**1380.049 District Regulations.**

A. ~~In addition to those signs permitted in all districts,~~ The following signs are permitted-allowed in each specific district and shall be regulated as to size, location and character according to the requirements herein set forth:

**1. Residential Districts:**

- a. Non-commercial signs that comply with Minnesota Statutes 211B.045 or successor statutes.
- b. Temporary signs that are a maximum of twenty (20) square feet in size. A maximum of three (3) Temporary Signs are allowed per parcel in residential districts. Temporary signs may be displayed for a maximum of fourteen (14) days, up to two (2) times per year.
- c. Signs may be placed on parcels that are currently offered for sale for multifamily properties providing such signs are not closer than 10 feet to any property line and shall not exceed thirty-six (36) square feet in area for multi-family residences. One sign shall be permitted for each street frontage.
- d. One monument sign up to thirty-two (32) square feet per street frontage shall be allowed by sign permit for residential subdivisions and multiple-unit developments. The sign may be a maximum of six feet in height. The sign shall be designed to be architecturally compatible with the building or project with the base of the sign consisting of colors and materials compatible to the building or project.
- e. Signs may be erected on parcels that are currently under construction for single-family or multiple-family residences in compliance with the requirements of Section 1380.04.  
Nameplate Signs: One (1) sign for each dwelling unit, not greater than two (2) square feet in area, indicating the name and/or address of the occupant.  
  
Institutional and Recreational Signs: One (1) sign or bulletin board per street frontage for public institutional use; for recreational use in residential districts, such sign or bulletin board shall not exceed twenty four (24) square feet in area nor shall it be placed closer than ten (10) feet to any edge of street line nor shall it be placed in a location that would interfere with the safe movement of traffic.  
  
Area Identification Signs: One (1) sign per each major development, not to exceed twenty four (24) square feet in area.  
  
Temporary Signs: According to 1380.03.
- ~~a.f.~~ The Mmaximum Hheight of Free-Standing Signs in Residential Districts shall be Eeight (8) feet.
- ~~g.~~ Lighting: Lighting must be indirect or diffused and comply with the requirements of this Zoning Ordinance. Dynamic display signs shall comply with the requirements in Section 1380.03. O. Dynamic display signs shall comply with the requirements in Section 1380.03. N and O.
- ~~b.h.~~ The following types of signs are not allowed in residential zoning districts or on parcels with residential uses in all other districts: Awning Signs, Canopy Signs, Changeable Copy Signs, Dynamic Display Signs, Flashing Signs, Marquee Signs, Pole Signs, and Pylon Signs.
- ~~i.~~ Home Occupation Signs: Any occupant of a residential unit engaged in a home occupation, may have one (1) sign not exceeding three (3) square feet.

**2. Business/Commercial/Industrial Districts:**

a. Temporary Signs: Temporary Signs that are a maximum twenty (20) square feet in size are allowed. A maximum of three (3) Temporary Signs are allowed per parcel in Business, Commercial, Mixed-Use and Industrial Districts. Temporary signs may be displayed for a maximum of fourteen (14) days, up to two (2) times per year.

Temporary signs shall include: banners, pennants, portable bulletin signs, freestanding signs, streamers, and other signs approved by the City. The design and construction of all said signs shall be professional looking and not be allowed to become torn or weathered.

Temporary signs such as flying signs, air inflated devices, and search lights shall not be allowed at any time in any zoning district.

a.b. Wall Signs: One (1) wall sign for each street frontage shall be ~~permitted~~allowed on a building for each business located within such building. The total area of all wall signs affixed to a building wall shall not exceed twenty percent (20%) of the total area of that wall. No individual wall sign shall exceed one hundred and fifty (150) square feet.

A wall sign shall not project more than eighteen (18) inches from the wall to which the sign is to be affixed. Furthermore, wall mounted signs shall not exceed the roof line on any building.

b.c. Permanent Freestanding Signs: One (1) permanent freestanding sign is ~~permitted~~allowed for each building for each street frontage.

The total area of a freestanding sign for a building having one (1) street frontage shall not exceed eighty (80) square feet. Where a building has two (2) or more street frontages, each ~~permitted~~permitted freestanding sign in excess of one (1) shall be no greater than one-half (1/2) the area of the first sign. (*Maplewood Ordinance:* The sign shall be designed to be architecturally compatible with the building or project with the base of the sign consisting of colors and materials compatible to the building or project. The area around the base of the sign shall also be landscaped or *Newport:* The base or support structure of freestanding/monument signs shall complement the design of the primary building on the parcel and incorporate forty percent (40%) of brick, stone, decorative block, or similar substantial materials as approved by the Zoning Administrator.)

(*Maplewood Ordinance:* The total size and maximum height of each freestanding sign [excluding pylon signs] is determined by the street classification [as designated in the City’s Comprehensive Plan] of the closest street to which each freestanding sign is located. In the case of signs located at an intersection, the higher ranking street classification should be used to determine the maximum height and size allowable for a freestanding sign. The following table lists the maximum size and heights permitted for freestanding signs:

<b>Classification of Street Abutting Property</b>	<b>Maximum Sign Size (sq. ft.)</b>	<b>Maximum Height of Freestanding Sign</b>
Principal arterial (I-494 and Highway 61)	180	12
Minor arterial (Hastings and 7 <sup>th</sup> Ave)	140	12
Collector Street (10 <sup>th</sup> Ave an 12 <sup>th</sup> St)	100	10
Local Street	80	10

No part of a permanent freestanding sign shall be closer than ten (10) feet to the front property line or exceed thirty-five (35) feet in height. The height shall be measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower, to the top edge of the said sign.

~~e.~~

~~d.~~

~~e. Bulletin Signs: Bulletin signs may have individual face areas of up to fifty percent (50%) of the area of the display surface area of the business' identification or free-standing sign. Bulletin signs which are not wall-mounted must have a minimum elevation of ten (10) feet from the base of the sign or grade of the nearest adjacent roadway, whichever is lower, to the bottom edge of the said sign.~~

~~f.~~

d. Portable Signs: One (1) portable bulletin sign up to fifteen (15) square feet may be displayed only during the merchant's business hours, with a permit. Such signs shall be located within the width of the storefront to which it is related and ~~shall be additionally regulated by 1380.04, 2.~~ e. Temporary Signs may be displayed for up to fourteen (14) days two (2) times each year.

~~g.e.~~ Multi-tenant Monument Signs: One monument sign shall be permitted for each multi-tenant building provided the surface area of the sign does not exceed 100 square feet per side, 15 feet in height, and is setback in no case less than 20 feet from the property lines. The area may be increased to maximum of 150 square feet per side for developments of over 20 acres.

~~h.f.~~ PPylon Signs: Retail and service establishments on property abutting an interstate freeway or state highway right-of-way may erect one (1) pylon sign for each building and/or building owned by a corporate entity or business. Said sign shall not exceed one hundred fifty (150) square feet of display surface area and shall be in addition to their one (1) free-standing sign or wall sign.

Pylon sign must be placed a minimum of fifty (5) feet from the right-of-way of highways or interstate roadways. The maximum allowed height of pylon signs is thirty-five (35) feet, unless the City approves an increase in the height of the sign. The minimum allowance distance of a pylon sign to an interstate right-of-way is fifty (50) feet, with a maximum height of thirty five (35) feet.

1. Application may be made to the city for a variance to increase the maximum pylon sign height on a lot having the following characteristics.
  - a. The lot abuts the right-of-way of an interstate freeway or state highway or abuts a frontage road immediately adjacent to an interstate freeway or state highway.
  - b. The lot does not have and is not permitted-allowed to have directional signage on the interstate freeway or state highway directing the public to the subject lot.
2. To be eligible for a variance to increase sign height, the application shall be accompanied by the following drawings drawn to scale:
  - a. A site plan showing the location of the proposed sign, property lines of the

subject property, road alignments of adjacent streets and highways and the locations of any cross sectional drawings necessary to analyze the request.

- b. Cross sectional drawings necessary to analyze the request showing the entire traveled surface of the freeway or state highway, any retaining walls or fences, any frontage roads, and the proposed sign location.
3. The Zoning Administrator **may** approve an application for a variance to increase pylon sign height which meets the criteria set forth in 1380.04,A.,2.,d.,1) where the proposed sign plan meets each of the following requirements:
- a. The sign is no higher than necessary to permit-allow the bottom edge of the sign face to be visible from at least fifty percent (50%) of the traveled surface of the interstate or state highway.
  - b. The top of the sign face is no more than twelve (12) feet above the bottom of the sign face.
  - c. The location of the sign is such that the increase in sign height is minimized.
  - d. The sign face shall not exceed one hundred fifty (150) square feet.

~~g. Temporary Signs: Temporary special event signs may be displayed upon issuance of a permit, for not more than thirty (30) calendar days, and not more than two (2) times each year. Such signs shall include: banners, pennants, portable bulletin signs, streamers, and other signs approved by the City. The design and construction of all said signs shall be professional looking and not be allowed to become torn or weathered.~~

~~No temporary sign or combination of temporary signs may exceed eighty (80) square feet in area.~~

~~All signs, including temporary special event signs, which are located on the interior of a building within three (3) feet of a window and clearly visible from the outside of said building shall not exceed fifty percent (50%) of the window area.~~

~~Temporary special event signs such as flying signs, air inflated devices, and search lights shall not be allowed at any time in any zoning district.~~

Flags: An individual business and institution may have no more than three (3) flags or forty-five (45) square feet of flag surface displayed at any one time.

h. Illuminated Signs: The Building Inspector and Zoning Administrator, in granting permits for illuminated signs, shall specify the hours during which the same may be kept lighted to prevent the creation of a nuisance. All illuminated signs designed to reflect light off of a light source shall have a shielded light source that will prevent the direct view of that light source from any passing roadway or residence at grade. Any illuminated sign located within fifty (50) feet of a lot line of a Residential District shall be diffused or indirect so as not to direct rays of light into adjacent residences.

e.i. Dynamic Display Signs. Any dynamic display sign located within fifty (50) feet of a lot line of a Residential District shall comply with the requirements of this section, and shall be turned off or programmed to go blank between the hours of 10 p.m. and 6 a.m., daily.

All Dynamic Display Signs in Business and Industry Districts that are in close proximity to Residential Districts and residential property located in a Business, Commercial and Industrial District shall be designed so as to illuminate the sign and not residential property. All dynamic display signs, regardless of zoning district, shall comply with the following:

1. Portable, dynamic display signs are not allowed as permanent signs in any District.
2. The following standards shall apply to image duration, transition, and other characteristics of signs with dynamic display:
3. An interim use permit is required for dynamic display signs that is a one-time permit and non-transferable.
4. Signs with dynamic display that are oriented toward the public right of way shall not include moving video images.
5. Business and identification signs with dynamic display may either have stable text and/or stable images, or they may have scrolling text and/or scrolling images. Signs with dynamic display which contain stable text and/or stable images may not change their text or image more than once every eight (8) seconds. Signs with dynamic display which contain scrolling text and/or scrolling images may not scroll at a rate faster than one (1) word per second, where words contain an average of five (5) characters each.
6. For stable text and/or stable images, the transition from one static display to another must be direct and immediate without any special effects except for fading and dissolving that takes less than one (1) second.
7. Signs with dynamic display shall not emit sound except of those at drive-through sales and services.
8. Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.
9. All dynamic display signs shall come equipped with automatic dimming technology that automatically adjusts the sign’s brightness in direct correlation in natural ambient light conditions. Between dusk and dawn, the sign shall not exceed a brightness level of five hundred (500) nits. At no time shall any dynamic display sign exceed an illumination level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

Area of Sign sq. ft.	Measurement Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59

40	63
45	67
50	71

\* For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula:

Measurement Distance = the square root of the area of sign in Sq. Ft. x 100

10. Prior to permitting any dynamic display sign, the applicant shall submit a signed letter from the dynamic display sign manufacturer certifying that the dynamic display sign has been calibrated to comply with the requirements of this Section.

11. The portion of any dynamic or illuminated sign that is used for the conveyance of any message will be included within the overall size of the sign. For purposes of this section, the permitted size of a dynamic or illuminated sign shall be calculated so as to include the full height and width of the sign structure immediately surrounding the message area.

~~d.j.~~ Canopy and Marquee Signs: Canopies and marquees shall be considered to be an integral part of the structure to which they are accessory. Signs may be attached to a canopy or marquee but such structure shall not be considered as part of the wall area and thus shall not warrant additional sign area.

~~e.k.~~ Window Signs: Signs located on a window or on the interior of a building within three (3) feet of a window and clearly visible from the outside of said building shall be regulated by this section. Said signs shall not exceed fifty percent (50%) of the window area and shall be designed, constructed, and maintained to be professional looking. (Maplewood Ordinance: Temporary window signs are allowed without a permit. Temporary window signs shall be neatly painted or attached to the surface of a window, but shall cover no more than thirty (30) percent of the total area of the window; Cottage Grove Ordinance: Window signs placed within a building and within view of the general public not exceeding forty (40) percent of total window area are allowed.)

~~f.l.~~ Residential Uses in Business, Commercial and Industrial Districts: Any residential building located in a Business District shall meet the sign requirements of 1380.04, 1. (Residential Districts).

**4.3. Mixed Use Districts:**

a. Any residential building in a Mixed Use, Business or Commercial District shall meet the sign requirements of 1380.049 A, 1. (Residential Districts—~~R-3~~).

b. Any business/commercial or mixed-use building in a Mixed Use District shall meet the sign requirements of 1380.049 A 2. (Business/Commercial/Industrial Districts).

**1380.0510 Billboards.**

A. It shall be unlawful to erect in the city a billboard without first having obtained a license therefore. Application for the license shall be made to the Zoning Administrator upon a form furnished by him or her and accompanied by a fee as established from time to time by the Council, which license fee shall be pro-rated so as to have the license expire on January 31<sup>st</sup> of

each year. Each license shall be issued for a period of one year, except that in the first year of issuance a license shall be valid for that portion of a year ending the following January 31.

- B. Every billboard located in the city upon any thoroughfare shall be located at least three thousand (3,000) feet apart from another billboard and may not, in any event, be located nearer than one thousand, five hundred (1,500) feet from any road or highway intersection.
- C. A billboard may only be erected in an I-1 Light Industrial District, shall not exceed five hundred fifty (550) square feet, shall be no higher than twenty-five (25) feet above existing grade level, shall be set back at least ten (10) feet from any property lines, and shall not have flashing lights or moving parts of any kind.

The minimum allowable distance of a billboard to any building shall be twenty-five (25) feet, to any Residential District five hundred (500) feet, and no portion of any billboard shall occupy air space above any driveway or parking area.

- D. Every billboard shall be repainted by the licensee at least once every two (2) years.
- E. There shall be filed with the City Clerk-Administrator a perpetual bond in favor of the city in the penal sum of two hundred and fifty and no/100 (\$250.00) dollars for each billboard. The bond shall be issued by sureties in a form approved by the City Attorney. The condition of the bond shall be full compliance with this Section.
- F. A billboard may be an electronic or illuminated sign. Any such billboard, however, must meet the additional requirements imposed upon such signs as are otherwise stated in this Section.

**1380.11 Sign Maintenance.**

- A. All signs, billboards, and other advertising structures shall be maintained in good condition and the area around them shall be kept free from debris, weeds, and other objectionable material.

~~**1380.06 Administration and Enforcement.**~~

~~**1380.09 Appeals.**~~

~~A permit applicant or permit holder may appeal any order or determination made by the City Zoning Administrator or his deputies pursuant to this Ordinance by filing a notice of appeal with the City Administrator requesting a hearing before the Planning Commission. The Planning Commission will hear:~~

- ~~A. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the administrative officer in the enforcement of this Ordinance.~~

- ~~B. Requests for variances from the literal provisions of this Ordinance.~~

~~Upon completion of said public hearing, the Planning Commission will forward to the Newport City Council a recommendation on said appeal for final approval/disapproval.~~

**1380.102 Nonconforming Signs.**

- A. All non-conforming signs shall be brought into compliance within sixty (60) days of a change in the principle business use.

- B. Any business or property with signs not in compliance with the standards of this Section, but which were in place legally on the date of the adoption of this Code, may retain such signs as legal non-conforming uses. Such signs may be maintained normally. A significant change in the size, shape, design, or materials of the sign, as determined by the Zoning Administrator, shall be in conformance with all standards of this Section.
- C. Any nonconforming temporary or portable sign existing at the time of adoption of this Ordinance shall be made to comply with the requirements set forth herein or shall be removed within one (1) year after the adoption of this Ordinance.

**1380.143 Sign Materials and Construction**

- A. Nonstructural Trim. Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics, or any combination thereof, provided that Subsection 1380.10 is satisfied where applicable.
- B. ~~1380.12~~ Anchorage.
  - 1. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out amounting to a force twenty-five (25) percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.
  - 2. Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base shall be adequate to resist wind pressure.
  - 3. Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support the loads applied.
  - 4. No wooded blocks or plugs, or anchors with wood used in connection with screws or nails, shall be considered proper anchorage, except in the case of signs attached to wood framing.
  - 5. No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the then adopted Uniform Building Code.
- C. ~~1380.13~~ Display Surfaces. Display surfaces in all types of signs may be made of metal, glass or approved plastics, provided Subsection 1380.10 is satisfied where applicable.
- D. ~~1380.14~~ Glass and Plastic Thickness and Area Limitations:
  - 1. Sections of approved plastics on wall signs shall not exceed one hundred fifty (150) square feet in area.
  - 2. Sections of approved plastics on signs other than wall signs may be greater than one hundred fifty (150) square feet in area if allowed by the area regulations of the Zoning District, and if approved by the Building Inspector.

3. Sections of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction. Sections of approved plastics on signs other than wall signs may not be required to be separated if approved by the Building Inspector.
4. Glass thickness and area limitations shall be as follows:

Any Dimension (in inches)	Minimum Area (in square inches)	Thickness of Glass (in inches)	Type of Glass
30	500	1/8	Plain, Plate or Wired
45	700	3/16	Plain, Plate or Wired
144	3600	1/4	Plain, Plate or Wired
Over 144	Over 3600	1/4	Wired Glass

E.  
~~1380.15 Use of Approved Plastics~~Plastic Materials—: The Building Inspector shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he or she may approve its use.

**1380.164 Electric Signs.**

- Revisions throughout to change “permitted” to “allowed”
- ~~A.~~ Electric signs shall be constructed of noncombustible materials, except as approved by the Building Inspector.
- ~~B.~~A. \_\_\_\_\_ The enclosed shell of electric signs shall be watertight, excepting that service holes fitted with covers shall be provided into each compartment of such signs.
- ~~C.~~B. \_\_\_\_\_ Electrical equipment used in connection with display signs shall be installed in accordance with all statutes, code provisions, ordinances, and regulations regulating electrical installations.
- ~~D.~~C. \_\_\_\_\_ Every electric sign shall have painted on the sign, or attached in permanent fashion, the name of the sign erector and date of erection. The name and date shall be of sufficient size and contrast to be readable from a reasonable distance. Failure to provide the name and date shall be grounds for rejection of the sign by the Building Inspector.



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## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Planning Commission Discussion November 12, 2015
<b>Copies To:</b>	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
		<b>Project No.:</b>	15743.000
<b>From:</b>	Sherri Buss, RLA AICP, City Planner	<b>Routing:</b>	
<b>Date:</b>	October 28, 2015		

City staff recently received a request for a building permit approval for the structure shown in the attached photo. The building was proposed for construction at 1156 Hastings Avenue. The building was proposed to have metal walls on all sides and minimal window openings.

As staff reviewed the permit, we found that the only change we could request to improve the appearance of the structure based on the Zoning Ordinance was to require that the exterior material be changed to non-metal materials on the two sides that face public roadways. Staff have also found it difficult to interpret and enforce the ordinance requirements for metal materials that require a warranty from manufacturers for other applications, and have not found a similar standard in other city ordinances. We are requesting that the Planning Commission review the ordinance section on building materials to see if the current standards are adequate, or need to be updated.

Neighboring communities, including Maplewood, St. Paul Park, Woodbury, Cottage Grove, and the City of St. Paul generally have higher standards for the exterior materials and design of structures in business and commercial districts than Newport does. This memo reviews the Newport requirements, summarized the approach other communities use, and includes examples from the ordinances that staff reviewed. The Planning Commission should discuss whether the City should update the ordinance section regarding building materials to clarify the requirements and adopt a format similar to the formats that neighboring communities use.

### Current Newport Standards

Section 1330.05 of Newport’s Zoning Ordinance includes the City’s standards for exterior building materials in districts other than the RE, R-1, and R-1A districts (the single-family residential districts). The standards are:

- Permitted materials
  - Face brick, stone, or glass
  - Decorative concrete block with a color and texture theme that is directly related to the building material, if not more than 50% of the building elevation faces any

- public roadway. Plain, flat unpainted concrete block is not allowed, nor is any type of painted concrete block.
- Architecturally treated concrete or cast-in-place or precast concrete panels
- Stucco or other cement-like coating applied in a manner so as to create a harmonious design with other exterior materials
- Metal panels with interlocking, concealed or tongue-and-groove seams, and concealed fasteners, if the exterior surface finish is warranted by the manufacturer for twenty years against blistering, peeling, cracking, flaking, checking, or chipping, if not more than 50% of the building elevation faces any public roadway
- Wood, wood siding, metal siding or vinyl siding, but only in the R-2 and R-3 districts, and only on buildings with eight (8) or fewer units
- Other exterior building materials may be approved by Conditional Use Permit if the City determines that the materials are similar to or better than the permitted materials listed above; the material are high-quality, long-lasting, attractive, reasonably maintenance-free and integrated harmoniously into the building design and with neighboring uses; the materials are approved by the building official.
- Additions and accessory structures need to use the same exterior materials as the original or primary structure, or better. The design of the buildings needs to conform to the original architectural concept and general appearance of the primary building.

### **Neighboring Community Standards**

- Neighboring communities generally allow a wider range of materials than Newport, but list them in priority classifications and identify the proportions and areas of the building where the materials may be used. This organization makes it easier to separate materials that may be used on facades that face streets and those that are hidden from general view.
- Newport generally allows more use of pre-cast concrete panels and concrete block than neighboring communities. The Commission could consider whether there should be additional information in the ordinance about appropriate building types or locations for those materials.
- Some communities have requirements for a proportion of window areas on facades of some buildings.
- Building standards in business and commercial uses or districts are typically different from those required for industrial districts. Newport's ordinance could be updated to make distinctions among uses or districts.

### Examples of standards in neighboring communities

- 1) Maplewood—Commercial/Mixed Use Districts (these standards don't apply to business park or industrial uses)
  - Exterior building materials are classified as primary, secondary or accent materials. In the City's Commercial/Mixed Used Districts:
    - Primary materials must cover at least 60% of all facades of the building, and include brick, stone or glass, but may not include bronze-tinted or mirror glass.



- Secondary materials may cover no more than 30% of all facades, and include decorative block or stucco; synthetic stucco may be permitted as a secondary material on upper floors only.
- Accent materials may be used on door and window frames and similar minor elements, and may cover no more than 10% of all facades. The accent materials may include wood or metal if appropriately integrated into the overall building design and not situated in areas that would be subject to damage.
- All primary and secondary materials shall be integrally colored, with no painted materials.
- The front façade building material changes shall not occur at exterior corners (toward the public right-of-way or public open space), but may occur at reverse or interior corners or as a return at least six feet from external corners.
- Additions to nonconforming buildings or developments must be constructed with materials required by the ordinance if the addition exceeds 25% of the floor area. Exterior remodeling or alterations to a nonconforming buildings or developments must be constructed with materials required by the ordinance. Other materials may be approved administratively if the City decides that the remodeling or alteration is minor in nature.
- Buildings containing office and retail uses shall maintain 40% minimum window coverage on the first floor that faces a road or public open spaces. These windows shall extend to a minimum of two feet to the front façade elevation.
- Metal storage buildings (commonly called pole buildings) cannot be used in Maplewood except in the Farm Residence District, as back yard storage sheds in residential districts, or in Manufacturing Districts if they are screened from view from residential land and public streets, or if approved for use in a Business district through a Conditional Use Permit.

## 2) St. Paul Park

- All commercial, industrial, institutional, mixed use and apartment/condominium buildings with five or more units shall have exterior building finishes consisting of the following materials, organized by class:
  - Class I—brick, marble, granite or natural stone, textured cement stucco, copper, porcelain, and glass
  - Class II—Exposed aggregate concrete panels, burnished concrete block, integral colored split face (rock face) and exposed aggregate concrete block, cast-in-place concrete, artificial stucco, artificial stone, and prefinished metal.
  - Class III—Unpainted or surface-painted concrete block (scored or unscored), unpainted or surface painted plain or ribbed concrete panels, and unfished or surface-painted metal.
- Structures in Business and mixed-use districts and nonresidential buildings in residential districts shall use:
  - At least 75% Class I materials on each building face and no Class II materials on any building face that is visible from public areas within the site or from off-site. The use of Class III materials is limited to 10 percent of the exterior surface. All buildings within one development site must be



visually-integrated by utilizing some of the same exterior material and architectural elements such as roof pitch, window treatments, and massing.

- Structures in Light Industrial Districts shall use:
  - At least 75% Class I materials on each building face and no Class III material on any building face that is visible from public areas within the site or from off-site. All buildings within one development site must be visually integrated by utilizing some of the same exterior materials and architectural elements such as roof pitch, window treatments and massing.

### 3) Woodbury

- Commercial buildings must use at least 3 class I materials, and must be composed of at least 65% class I materials, not more than 35% class II or class III material, and not more than 10% class IV material.
  - Class I materials include conventional brick, natural or cultured stone, glass and copper
  - Class II materials include specialty concrete block such as textured, burnished block or rock-faced block; architecturally precast textured concrete or brick panels; masonry stucco; ceramic
  - Class III materials include exterior insulation and finish system (EIFS); opaque panels; ornamental metal; fiber-cement exterior siding, and thin brick veneer
  - Class IV materials include smooth concrete block, smooth scored concrete block, smooth concrete tip up panels, glass block and wood.
- Industrial and warehouse buildings must use at least two different class I or class II materials and be composed of at least 65% class I or II; not more than 35 percent of class III or class IV materials. Not more than 10% of the building shall be class IV materials.
- Any nonresidential structure adjacent to an interstate highway or any multi-tenant office/warehouse or showroom/warehouse shall be 65% class I materials on primary exteriors. Exterior walls with limited public exposure may use combinations of class II, III or IV materials, unless otherwise approved by the City Council.
- Brick or stone exteriors may not be painted during the lifetime of the exterior materials.

### 4) Cottage Grove

- Unsuitable exterior facing materials include the following:
  - Concrete masonry units
  - Common clay brick
  - Sand lime brick
  - Concrete brick
  - Unfinished structural clay tile
  - Sheet metal, either plain or corrugated
  - Exposed unfinished concrete
  - Prefabricated assembly for wall or roof assembly
  - Unfinished metal prefabricated wall surfaces.



- The materials listed above may be used in special arrangement or combination with other materials integral to an architectural design if approved by the City Council based on the following:
    - The location of the structure in relation to adjacent streets
    - The zoning district in which the structure is/will be located
    - The proximity of the structure to the boundaries of another zoning district with a different classification
- 5) City of St. Paul
- Permitted building materials are generally listed by district, and frequently modified based on historic concerns, so this is difficult to translate to Newport
  - For principal buildings, except industrial, production, processing, storage, public service and utility buildings, above grade window and door openings shall comprise at least 15% of the total area of exterior walls facing a public street or sidewalk.







# MEMO

TO: Planning Commission  
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Executive Analyst

DATE: November 5, 2015

SUBJECT: Minor Zoning Amendments

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## BACKGROUND

Recently, staff found a discrepancy in Section 1320.06 regarding non-conforming structures. The current City Code states that if a non-conforming structure is destroyed by 50% or more, the use of the same shall conform to the current zoning requirements. However, State Statutes (462.357, Subd. 1e) allow destroyed non-conforming structures 180 days to apply for a building permit of the same use. If a building permit is applied for within that 180 days, they do not need to meet the current zoning requirements. As such, the City needs to amend Section 1320.06 to state this.

Additionally, Councilman Sumner requested that the Planning Commission review the requirement regarding trash enclosures in regards to materials. Currently, the City Code states the following:

- **Section 1330.05, Subd. 10** - Trash enclosures need to be constructed of the same material as the principal structure. This section regulates all districts except RE, R-1, and R-1A districts.
- **Section 1330.05, Subd. 21** - Trash enclosures need to be kept in a building or in a fully screened area. This section regulates the RE, R-1, and R-1A districts.
- **Section 1350.18, Item F** - Requires trash enclosures to be in a fully enclosed accessory structure. Does not regulate material. This section is for non-residential districts.

Councilman Sumner requested that the Planning Commission look at allowing the enclosures to be different material than the principal structure.

## DISCUSSION

Please find attached a red-lined version of Section 1320.06 for your review. Staff recommends keeping the proposed language in Section 1320.06 as it matches the State Statute.

The Planning Commission will need to discuss Section 1330.05, Subd. 10 and 21, and Section 1350.18, Item F and whether or not they want to remove the requirement for enclosures to have the same material as the principal structure. Staff reviewed code requirements for Cottage Grove, St. Paul Park, South St. Paul, Stillwater, West St. Paul, and Woodbury. Cottage Grove, St. Paul Park, South St. Paul, Stillwater, and Woodbury have the same requirements of the City. However, Stillwater states that City staff can approve other materials. West St. Paul requires the enclosure to be compatible in terms of the architectural treatment of the principal structure.

## RECOMMENDATION

It is recommended that the Planning Commission provide direction on the above discussion points. The public hearing for these amendments will be at the same time as the public hearing for the sign amendments.

**Section 1320-Nonconforming Uses, Lots and Structures.**

**1320.01 Purpose and Intent.** It is a purpose of this section to provide for the regulation of uses, buildings, structures, signs or lots which lawfully existed prior to the effective date of this ordinance or its amendment but which fail to comply with any of the current regulations or standards established by this ordinance or subsequent amendments. It is the intent of these regulations to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.

Furthermore, it is a purpose of this section to ensure that nonconformities that adversely affect implementation of local plans (including the Comprehensive Plan), orderly redevelopment or the livability of nearby property not be permitted to continue without restriction.

Furthermore, it is the intent of this plan to ensure that nonconformities eventually be brought into conformance with the standards of this Chapter.

**1320.02 Continuance of Nonconforming Uses, Lots and Structures.** Any legal structure, legal lot or legal use existing upon the effective date of the adoption of this ordinance or its amendment and which does not conform to the provisions of this Chapter may be continued subject to the following conditions:

- A The use or structure has existed in substantially its present form for at least 15 years.
- B No adverse impacts on the property or surrounding properties have been or are created by the nonconformity.
- C Continuation of the nonconformity will not hinder local plans for redevelopment or conflict with implementation of the Comprehensive Plan.

**1320.03 Expansion.** A nonconforming use, building or structure shall not be expanded, enlarged, or extended to occupy a greater height or area of land except if the conditions specified in section 1320.02 are satisfied a use may be expanded by 20% as follows;

- A. If the non-conforming use or structure is a commercial use in a residential area 20% shall mean 10% of the Gross Leasable Area of the non-conforming use.
- B. If the non-conforming use or structure is a residential use or home, 20% shall mean 20% of the foundation size of the existing structure (foundation size excludes the foundation of any attached garage).
- C. The expansion meets all setback, lot coverage, building height, and lot dimension requirements of the respective zoning district.

**1320.04 Abandonment.** If a nonconforming use, building or structure is discontinued for a period of one (1) year, use of the property, building or structure shall be brought into conformance with the standards in this Chapter;

**1320.05 Replacement.** If a nonconforming use or structure is replaced by another use or structure, the new use or structure shall conform in all respects to the standards in this Chapter;

**1320.06 Destruction.** If a nonconforming structure is destroyed by any cause to an extent exceeding fifty (50) percent of its fair market value, as indicated by the records of the county assessor, and no building

permit has been applied for within one hundred eighty (180) days of when the property is damaged. the use of the same thereafter shall conform ~~to this Chapter~~ to the current zoning requirements;

**1320.07 Maintenance.** Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use;

**1320.08 Alterations.** Alterations may be made to a residential building containing nonconforming residential units when they improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the building;

**1320.09 Accessory Structures and Garages.** Accessory structures and garages shall be permitted where non-conforming uses may be present provided that the new structure meets all the necessary standards of the appropriate district and that no accessory structure or garage already exists on the property.

#### **1320.10 Nonconforming Signs.**

**Subd. 1 Business Signs.** Business signs on the premises of a nonconforming building or use may be continued as long as the building or use continues as a nonconforming use, but such signs shall not be increased in number, area, height, or illumination.

**Subd. 2 Alterations.** No sign erected before the passage of this Code shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Chapter.

#### **1320.11 Lots of Record.**

**Subd. 1 Certain Residential Districts.** A lot of record existing upon the effective date of this Code in the R-1A, R-1, R-2, or R-3 residential zoning districts, which does not meet the requirements of this Chapter as to lot area, frontage or depth, may be utilized for one (1) single-family detached dwelling or manufactured single-family dwelling provided the following conditions are met:

- 1.) That all necessary building setback provisions within the respective district are met without obtaining a variance.
- 2.) The character of the design of the new structure to be built on the lot is consistent with the general character of the neighborhood in terms of building materials, color, size, height, historic character and style as determined by the City Administrator and City Council if deemed necessary. Standards of section 1370.07 Historic Neighborhood Conservation Overlay District must be satisfied if applicable.
- 3.) Structures do not block sunlight that could be used for solar energy from adjacent properties.
- 4.) The lot of record is not adjacent to an existing vacant lot under the same ownership that could be combined to meet the standards of the district.
- 5.) If land is available adjacent to the lot of record that could be combined to meet the current standards of the existing district, but the land is under other ownership, the property owner of the nonconforming lot must demonstrate in writing that efforts to acquire the additional land were made.